Court No.2

Writ Petition No. 938 of 2001 (S/B)

Rajeshwar Prasad …… Petitioner

Versus

State and others …… Respondents

…….

Hon. P.C. Verma,J.
Hon. Irshad Hussain, J.

The petitioner is a Superintending Engineer in Jal Nigam. The Board of Jal Nigam took a policy decision for creating a Hill sub cadre in the year 1993 and to enforce the said decision. Vide letter dated 19.1.1996 option for Group A posts for hill cadre were invited. The last date given for option was 20.2.1996. The petitioner applied for absorption in Hill sub cadre on 26.6.1998. The case of the petitioner was not considered on the ground that the option was not exercised by the cut off date. The petitioner submits that board has framed regulations as Uttar Pradesh Jal Nigam Hill Sub Cadre regulations, 1998. After the enforcement of the said regulations, again option were invited by circular dated 20.1.1999. He further submitted that his option could be accepted in view of the regulation of 1998.

Learned counsel for the Jal Nigam submits that since the circular dated 20.1.1999 which was issued after enforcement of regulation 1998 had been stayed by the High Court of Uttar Pradesh at Lucknow, no further step could be taken by the Jal Nigam.

As we have seen from the facts narrated above, the petitioner has exercised his option prior to the enforcement of Hill sub cadre regulation, 1998 and his option could have been proceeded with as it was not exercised in pursuance of the circular issued on 20.1.1999, which it is said was stayed by the High Court. Thus the Jal Nigam is directed to consider the case of the petitioner for absorption in Jal Nigam and to accord him Hill cadre giving him all the consequential benefits thereof.

The writ petition is accordingly allowed.

(P.C. Verma,J) **(Irshad Hussain, J.)**

dt.24.05.2002

A